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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,584

05/05/2006

Joseph McCrossan

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9015

52044

7590

04/17/2009

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EXAMINER

KHAN, ASHER R

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,584	<b>Applicant(s)</b> MCCROSSAN ET AL.	
	<b>Examiner</b> ASHER KHAN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/5/2006</u>  | 6) <input type="checkbox"/> Other: _____                          |
| <u>08/09/2007;03/19/2008;05/30/2008;02/17/2009</u> ;                                   |   |



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Size of bounding area is 1/x of the entire graphics plane and composition information is calculated by multiplying y by a display duration of each picture is not described in the specification. Specification only mentions that duration is set to be longer when bounding area is large in size and shorter when the bounding area is small in size (0009).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1-4,6-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. 2006/0153532 A1 to McCrossan et al.**

**“McCrossan” in view of U.S. Patent Pub. 2004/0168121 A1 to Matz.**

As to claim 1, 6, 11, 12 and 13, McCrossan discloses playback apparatus used for playing back a video stream and a graphics stream, comprising:  
a video decoder operable to decode the video stream to obtain a moving picture (Fig.

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26, video decoder 5);

a graphics plane (Fig. 27, 8); and

a graphics decoder operable to decode the graphics stream to obtain uncompressed graphics on the graphics plane, so as to overlay the graphics on the moving picture (Fig. 26, Graphics decoder 12, Fig. 11; 0277-0278) , wherein:

the graphics stream includes graphics data and interactive control information (Fig. 43; 0352);

the interactive control information includes a plurality of pieces of composition information defining a sequence of display compositions of graphics constituting an effect (composed image) (Figs. 13, 43, 44 and 46; 0359;0191);

each piece of composition information shows (i) a bounding area on the graphics plane within which a respective display composition is rendered and (Figs. 8A and 12; 135-136)(ii) a duration after which the display composition is to be replaced by a subsequent display composition to be rendered in the same bounding area (Figs. 5, 6, 8b-13 and 24; 0144, 0169);

the graphics decoder includes a composition buffer (Fig. 27, 16) operable to store the interactive control information (0501), a processor operable to decode the graphics data included in the graphics stream (Fig. 27, 14), and a controller operable to assemble display compositions according to the composition information when uncompressed graphics are newly obtained by the processor (0281), so as to play back the effect (composed image) overlaid on the moving picture (Fig. 26, 17;0295); and the controller

assembles a menu using uncompressed graphics obtained by the processor, so as to present the menu following playback of the effect (0277-0278).

McCrossan does not expressly disclose a menu overlaid on the moving picture.

Matz discloses a menu overlaid on the moving picture (0051)

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine McCrossan with the teachings of Matz. Motivation to combine would have been to provide overlaid menus to a user so that a user friendly menu could be realized.

As to claim 2, McCrossan and Matz disclose everything claimed as applied in claims 1, 6 and 11-13. In addition McCrossan discloses a size of the bounding area is  $1/x$  of the entire graphics plane (0169); and a value of the duration shown by the composition information is calculated by multiplying  $y$  by a display duration of each picture of the moving picture (0169).

As to claim 3, McCrossan and Matz disclose everything claimed as applied in claims 1, 6 and 11-13. In addition McCrossan discloses wherein the duration is determined based on a value calculated by dividing the size of the bounding area by a transfer rate of a playback apparatus (0192-0197).

As to claim 4, McCrossan and Matz disclose everything claimed as applied in claims 1, 6 and 11-13. In addition McCrossan discloses wherein:  
the graphics stream includes one or more pieces of pallet data (Fig. 7B;0134);  
the interactive control information includes a plurality of pieces of page information (0485) and each piece of page information includes a pallet ID uniquely identifying a

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piece of pallet data to, be used for presentation of a respective page (0147). However McCrossan does not expressly disclose each page information defining a page of the menu available for presentation;

Matz discloses each page information defining a page of the menu available for presentation (0051);

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine McCrossan with the teachings of Matz. Motivation to combine would have been to provide different menus to a user.

As to claim 7, McCrossan and Matz disclose everything claimed as applied in claims 1, 6 and 11-13. In addition McCrossan discloses wherein each time a set of uncompressed graphics is obtained, the controller renders the obtained set of graphics within the bounding area on the graphics plane for a duration shown by the composition information(Figs. 5, 6, 8b-13 and 26; 0144, 0169);.

As to claim 8, McCrossan and Matz disclose everything claimed as applied in claims 1, 6 and 11-13. In addition McCrossan discloses wherein: the graphics decoder includes an object buffer operable to store uncompressed graphics obtained by the processor (Fig. 27, 15); and the duration shown by the composition information is based on a value calculated by dividing a size of the bounding area on the graphics plane by a transfer rate at which uncompressed graphics are transferred from the object buffer to the graphics plane(0192-0197).

As to claim 9, The McCrossan and Matz disclose everything claimed as applied in claims 1, 6 and 11-13. In addition McCrossan discloses, wherein:

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the uncompressed graphics obtained by the processor are expressed in code values (Fig. 27, 13; Fig. 33; 0319);

the playback apparatus further comprises a look-up table unit operable to convert each code value to a pixel value (Fig. 27, 9; 0276-0277;

the graphics stream includes one or more pieces of pallet data (0134; Fig. 7B);

the interactive control information includes a plurality of pieces of page information (0485);

each page information includes a pallet ID uniquely identifying a piece of pallet data to be referenced when presenting a respective page (0147); and when presenting a page, the controller instructs the look-up table unit to perform the conversion to pixel values using a piece of pallet data identified by a pallet ID associated with the page (Fig. 27, 9).

However McCrossan does not expressly disclose each page information defining a page of the menu available for presentation;

Matz discloses each page information defining a page of the menu available for presentation (0051);

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine McCrossan with the teachings of Matz. Motivation to combine would have been to provide different menus to a user.

**4. Claim 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. 2006/0153532 A1 to McCrossan et al. "McCrossan" in view**



**of U.S. Patent Pub. 2004/0168121 A1 to Matz and in further view of Applicants**

**Admitted Prior Art.**

As to claims 5 and 10, McCrossan and Matz disclose everything claimed as applied in claims 1, 6 and 11-13. In addition McCrossan discloses; the interactive control information is encapsulated in a packet (Fig. 3); and a timestamp attached to the packet shows a time for starting playback of the in-effect (Fig. 55) and a set of graphics data associated with the menu (0431). McCrossan and Matz do not expressly disclose when the effect is an in-effect to be presented preceding the menu, a set of graphics (sequence of graphics) data associated with the in-effect is located in a string of the graphics data.

AAPA when the effect is an in-effect to be presented preceding the menu, a set of graphics (sequence of graphics) data associated with the in-effect is located in a string of the graphics data (0030).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine McCrossan and Matz as modified with the teachings of AAPA. Motivation to combine would have been to have a sequence in graphical data so it could be synchronized properly.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/A. K./  
Examiner, Art Unit 2621